

2013 SEP -5 AM
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CLERK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CYNTHIA WRIGHT,)	CASE NO. 1: 12 CV 913
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE'S REPORT AND</u>
MICHAEL J. ASTRUE)	<u>RECOMMENDATION</u>
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	


This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kenneth S. McHargh. The Report and Recommendation (ECF # 12), issued on June 25, 2013, is hereby ADOPTED by this Court.

Plaintiff sought review of the Commissioner's decision denying her disability insurance under the Social Security Act. 42 U.S.C. § 423. Defendant has moved to dismiss Plaintiff's complaint. The Magistrate Judge found that pursuant to 42 U.S.C. § 405(g), Plaintiff's complaint was untimely filed and Plaintiff has failed to demonstrate good cause for extending the filing time for her claim. Therefore, the Magistrate Judge recommends that Defendant's motion to dismiss be granted. No timely objections have been filed.

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the portion of the Magistrate Judge's Report and Recommendation pertaining to Defendant's 12(b)(6) motion to dismiss.

IT IS SO ORDERED.

DATED: September 5, 2013


DONALD C. NUGENT
United States District Judge